REMARKS

In the Office Action, the Examiner rejected Claims 1, 9 and 17 under 35 U.S.C. 102 as being fully anticipated by U.S. Patent 6,178,529 (Short, et al.). The other claims, which are Claims 2-8, 10-16 and 18-20, are drawn to non-elected inventions. The Examiner also objected to the phrase "other configuration data" in Claims 1, 9 and 17, and objected to the Declaration.

With respect to the Declaration, the Examiner objected to the Oath on the basis that it is not signed.

Applicants filed a signed Declaration on April 23, 2001, and a copy of this Declaration is being submitted herewith. In view of this, the Examiner is respectfully asked to reconsider and to withdraw the objection to the Declaration.

Claims 1, 9 and 17 are herein being amended to better define the subject matters of these claims.

For example, these claims are being amended, as the Examiner suggested, to change the phrase "other configuration information" to "configuration information." The Examiner is, accordingly, also asked to reconsider and to withdraw the objection to the language of Claims 1, 9 and 17.

With respect to the rejection of the claims over the prior art, Independent Claims 1, 9 and 17 patentably distinguish over the prior art because the references do not disclose or suggest finding optimal configurations of one or more clusters of resources, as described in Claims 1, 9 and 17.

In U.S. Patent No. 6,178,529, Short et al describe a method for controlling resource objects in a cluster using a common set of abstractions for performing operations such as Open,

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Close, Online, and Offline on a variety of resource instances. This is achieved by encapsulating the details of these operations in one or more resource specific DLLs.

In the present invention, one or more cluster configurations are controlled and managed taking into account the current state of multiple resource and service instances in the cluster, current cluster wide policies, resource and service preferences expressed by high level user facing services, and so on. Using these multiple factors as input, a decision-making component may be used to formulate one or more optimal cluster configurations. These configurations may then be realized using a set of common abstractions for performing operations such as ONLINE, OFFLINE, etc. Resource specific details are encapsulated in one or more resource managers, which may be active entities like agents or passive entities like DLLs.

In summary, Short, et al. is about controlling a set of resources as a cluster, while, in contrast, this invention is about finding optimal configurations of one or more clusters of resources given a set of constraints and policies. The present application then describes how these optimal configurations can be realized in an on-line environment.

Each of Claims 1, 9 and 17 has been amended to emphasize the above-discussed difference between the present invention and the prior art. In particular, each of these claims has been amended to set forth the step of, or means for, finding optimal configurations of one or more clusters of resourced given a set of constraints and policies. The claims then set forth the steps or the apparatus used to find those optimal configurations.

The other references of record have been reviewed, and these other references, whether considered individually or in combination, also do not disclose or suggest this feature of the present invention.

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Because of the above-discussed differences between Claims 1, 9 and 17, and because of the advantages associated with those differences, it cannot be said that any of these claims is anticipated by, or is obvious in view of, the prior art. Accordingly, Claims 1, 9 and 17 patentably distinguish over the prior art and are allowable. The Examiner is thus asked to reconsider and to withdraw the rejection of Claims 1, 9 and 17 under 35 U.S.C. 102, and to allow these claims.

For the reasons discussed above, the Examiner is respectfully requested to reconsider and to withdraw the objection to the Declaration, the objection to the language of Claims 1, 9 and 17 and the rejection of these claims, and to allow Claims 1, 9 and 17. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

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